

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CONRAD PATTERSON :  
Plaintiff :  
v : Civil Action No. CCB-06-3072  
WARDEN :  
Defendant :  
: 000  
**MEMORANDUM**

The above-captioned case was instituted upon receipt of correspondence from plaintiff concerning questions about how to appeal a decision in a previously-filed case. Paper No. 1. The remainder of the documents filed concern the same claims raised by plaintiff in *Patterson v. Burkey*, Civil Action No. CCB-06-84 (D. Md. 2006). This court granted defendant's motion to dismiss or for summary judgment on August 14, 2006, and denied plaintiff's motion to alter or amend on August 30, 2006. *Id.* at Papers No. 19, 20 and 22.

To the extent that the instant filing could be construed as a notice of appeal with respect to the previously filed complaint, it is not timely filed.<sup>1</sup> See Fed. R. App. Proc. 4(a)(1). To the extent that plaintiff seeks to revisit the merits of the claims raised in Civil Action No. CCB-06-84, he is not permitted to do so. This court's decision granting summary judgment in favor of the defendant is a final judgment on the merits of the claim. "Under *res judicata*, a final judgment on the merits bars further claims by the parties or their privies based on the same cause of action." *Montana v. United States*, 440 U. S. 145, 153 (1979) (citation omitted).

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<sup>1</sup> Parties have 30 days after entry of district court's final judgement or order to note appeal. FRAAppP 4(a)(1), unless district court extends the appeal period under FRAAppP 4(a)(5) or reopens the appeal period under FRAAppP 4(a)(6). Plaintiff has provided no basis for an extension to be granted. This appeal period is "mandatory and jurisdictional." *Browder v. Director, DOC*, 434 U.S. 257, 264 (1978) (quoting *United States v. Robinson*, 361 U.S. 220, 229 (1960)).

The complaint shall, therefore, be dismissed by separate order which follows.

December 6, 2006  
Date

/s/  
Catherine C. Blake  
United States District Judge